



1        what term you used but you mentioned that were also  
2        some other devices to allow water, could you  
3        describe what those are?

4                    A        Those are openings in the wall and  
5        the openings are perhaps three or four inches in  
6        diameter, which is designed or the intent was for  
7        water to leak out.

8                    Q        Are they also referred to as weep  
9        holes?

10                   A        That term is also used.

11                   Q        Do you recall, approximately, how  
12        many of those weep holes existed in the wall?

13                   A        I would guess but I don't recall I  
14        don't have any photos handy but I think it is  
15        probably six or eight wholes in the wall, I don't  
16        recall any in the block wall.

17                   Q        Ordinarily, when constructing a  
18        wall of this size, are those weep holes installed  
19        during the original construction or are they  
20        something that would have come later?

21                   A        It was my feeling by looking at  
22        this wall that work was done later, simply because  
23        it was not done in the left three thirds of the  
24        wall as you look in from the Lafayette side but  
25        only on the side where they seem to be some

1       corrective work to the stone wall.

2                   Q       Corrective work meaning the the--

3                   A       The weep holes and tie rods that we  
4       saw within the stone wall.

5                   Q       Could you describe for the Court  
6       the upper portion of the wall and what you observed  
7       from the 5 Huguenot Drive side of the property?

8                   A       I know that first going into the  
9       property I noted that the driveway surface was  
10      fairly young, it looked new.

11                           At the end of the driveway is the  
12      wall and the inside surface has been coated with  
13      stucko. I observed that this were no cracks in  
14      stucko and no separation.

15                           About three to five feet from the  
16      wall there were wheel stops, concrete devices to  
17      prevent cars going too far forward and the edge of  
18      the or the surface of the asphalt has been  
19      contoured to divert the water from that area as you  
20      are looking down the driveway to the right of the  
21      yard.

22                           The left side of that wall has a  
23      concrete top aged undetermined, the block wall had  
24      been recently resurfaced with stucko and there were  
25      no cracks or signs of movement.

1 Q What effect, if any, does the  
2 resealing or repaving of the driveway have on the  
3 wall?

4 A Well several benefits obviously,  
5 it's easier to drive in, it is more convenient for  
6 purposes but in this particular case it helped seal  
7 the soil and diminish the amount of water that will  
8 get behind the wall.

9 Q What effect, if any, does the  
10 contouring, as you put it, of the driveway toward  
11 the wall --

12 A I would think that the intent is to  
13 take that water and divert it to side of the wall  
14 or side yard where there is less of an impact on  
15 that wall.

16 Q With regard to the wheel stops,  
17 what purpose do they serve?

18 A Well, again, probably several  
19 purposes. One of them would be to prevent a car  
20 from hitting the wall and the other is to keep  
21 vehicles away from the wall, a reasonable distance.

22 Q You testified that there was a  
23 fairly new stucko coating on the wall as well?

24 A Yes.

25 Q What, if any, purpose does that

1 serve?

2 A The purpose I think was to act as--  
3 well, again, there are several reasons for that  
4 being done, the aesthetics obviously but it also  
5 acts as a water seal to some degree.

6 Q Mr. Annunziata, you testified and  
7 again, I don't recall what word you used but you  
8 testified that you observed a shifting, some  
9 shifting in the wall?

10 A Yes, the upper wall, yes.

11 Q Is that right?

12 A Yes.

13 Q Do you have an opinion as to when  
14 that shifting took place?

15 A That is hard to judge but I am of  
16 the opinion that it has not happened in quite some  
17 time. Again, I can't tell if there were repairs  
18 done using the steel plates, the rod, the deadman  
19 correct that or that was part of the original  
20 design and this was some movement that stabilized  
21 that after but my guess is that it's quite some  
22 time back and I would say probably fifteen years.

23 Q Is it possible for you to indicate  
24 to the Court whether it's more possible than not  
25 that those steel plates and deadman were installed



1 during the original construction as a corrective  
2 reparative measure?

3 A I thought about that several times  
4 and in my original opinion it was probably the  
5 original construction but the more I think about it  
6 and go over there and look at it, it was done as a  
7 corrective measure later on but in either case, it  
8 was to try to keep this wall from moving.

9 Q As a result of your visit to the  
10 site and your inspection and evaluation, do you  
11 have an opinion today, Mr. Annunziata with regard  
12 to the structural stability of first the stone wall  
13 below?

14 A Yes, I consider the condition to be  
15 stable.

16 Q What is your opinion as to the  
17 structural stability of the top portion of the  
18 block wall?

19 A I think it's stable.

20 Q I don't think anybody has testified  
21 about this but could you describe for the Court  
22 when building a wall of that type, and I'm  
23 referring to that stone wall below, does it just  
24 sit on top of the ground or something else?

25 A Usually, the stones are further

1 below the grade and they are larger and thicker and  
2 then they just build up, slowly almost like a  
3 narrow pyramid.

4 Q What is the purpose of building in  
5 that --

6 A The weight of the stone, which is  
7 quite heavy, is ment to retain the soil behind it  
8 and I guess the density of the wall is also part of  
9 the intent of holding the soil behind.

10 Q Mr. Annunziata, over the course of  
11 your career, as a professional engineer, civil  
12 engineer, how many occasions would you say,  
13 estimate for us, that you have inspected or been  
14 involved in the design of a retaining wall?

15 A Dozens and I looked at walls that  
16 needed repair. I looked at walls that should have  
17 been taken down a long time ago. I designed walls  
18 so they would not fail and part of the general work  
19 I do is the consulting work, I am involved with  
20 things such as retaining walls.

21 This wall is a very, very old wall,  
22 I suspect it was done on the property of 5  
23 Huguenot, which is old. So, it is just one of those  
24 walls that stood for god knows how many years,  
25 seventy-five, eighty-five years, it's an old wall.

Mr. MILLER: I have nothing further, Your Honor.

THE COURT: I have two points of information to clear in my own mind for the picture of wall. You described the stone wall as a gravity wall; is that correct and then could you define that for me?

A            Yes, it's the weight of the wall is pulled by gravity. It is such a heavy substance that it sits there and resists forces.

Now a days, walls like that are pretty expensive to build and generally they are not done but in areas of Larchmont where there was so much stone excavated, they used the stone on the site to build the wall and just by the heavy weight, gravity of it, they lasted.

THE COURT: If you are standing in the Huguenot Drive property and facing the wall, what is the height of wall that is visible to you as you are standing in the driveway.

A I would say two and a half feet,  
three feet and it's the block portion that



1 is visible that is covered with stucco.

2 THE COURT: Mrs. Fiore, cross

3 examination?

4 MRS. FIORE: Yes.

5 CROSS EXAMINATION BY MRS. FIORE:

6 Q If you are standing in the driveway  
7 of 5 Huguenot, you can't see the stone wall; am I  
8 misunderstood?

9 A Well, in the immediate area you  
10 can't see. Again, looking from the driveway down  
11 you could see the stone portion on the right side  
12 but on left side you could see the stucco portion.

13 Q Because it's a tapered wall, is  
14 that what you are saying?

15 A It's not perfectly level.

16 Q Does the driveway intersect at the  
17 most left portion of the wall or somewhere else?

18 A Say that again.

19 Q The driveway, does it intercept  
20 with the wall on the far left side or somewhere  
21 else?

22 A Where the driveway meets the block  
23 wall as well as the concrete wall on the left as  
24 you are looking down the driveway.

25 Q Did you have an opportunity and I

1        don't recall from your testimony, to observe the  
2        wall from the Lafayette side?

3                    A            Yes.

4                    Q            Where were you standing with  
5        respect of the Lafayette property when you observed  
6        the wall?

7                    A            I actually moved quite bit because  
8        I took three photos and I looked at it from the  
9        side part where the wall was concrete all the way  
10       over to the other side and I actually walked along  
11       the lower portion of the wall.

12                   Q            How much of the stone wall is  
13        visible where were you standing on the Lafayette  
14        side?

15                   A            Except for whatever is below grade,  
16        the rest of the wall is visible.

17                   Q            The entire structure?

18                   A            Yes.

19                   Q            How high is the wall at that point?

20                   A            I would guess fifteen feet, twelve  
21        feet.

22                   Q            Including the second concrete block  
23        portion?

24                   A            Just the stone and then the upper  
25        portion is four or five.

1 Q You testified that the wall was  
2 probably very old?

3 A My guess.

4 Q Is the adjacent property, the home  
5 is constructed on also very, very old?

6 A The stone part, I would say was  
7 original to that property.

8 Q Do you know, approximately, how old  
9 is the property?

10 A By the age of the house, I would  
11 guess around a 1920 house.

12 Q You don't know for sure?

13 A No, not for sure but the  
14 architecture and location, probably 1920.

15 Q So, the wall would have been  
16 constructed probably some point in time --

17 A That would be my guess, the same as  
18 the house.

19 Q Did you notice any water damage on  
20 the stone portion of the wall?

21 A One of the times I was there was  
22 wetness but I don't know about water damage.

23 Q Is that common in stone walls?

24 A Yes.

25 Q If that condition is left

1 uncorrected in stone wall, in your experience, what  
2 happens?

3 A Say that again.

4 Q In your experience, what happens if  
5 these corrected conditions are left uncorrected or  
6 unrepaired?

7 A It all depends also on the  
8 conditions that occur behind the wall, the  
9 thickness of the wall.

10 Q How thick is this wall?

11 A I don't know exactly because there  
12 is no way of actually measuring it but on the left  
13 hand side, it's about two feet at the top. My guess  
14 is at bottom of that stone wall, it's about four  
15 feet or maybe more.

16 Q How many cracks did you observe?

17 A I recall one crack and there may  
18 be-- well three is an another crack on the right  
19 hand side as you look from Lafayette past the  
20 corner.

21 Q Two cracks that you observed?

22 A Yes.

23 Q You testified and again I'm not  
24 sure of the terminology but there were most likely  
25 rod reinforcement?